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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA,) CASE NO. CR 13-00102 PJH (JCS)
17 Plaintiff,)
18 v.) **(PROPOSED) DETENTION ORDER**
19 LAMONTE P. BREWER,)
20 Defendant.)
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28)

DETENTION ORDER
CR 13-00102 PJH (JCS)

1 On August 28, 2020, a Petition for Arrest Warrant for Offender Under Supervision was filed,
2 charging the defendant with violating the terms of his supervised release. Dkt. 44. On September 14,
3 2020, the defendant appeared before the Court for a detention hearing on the violation petition. Dkt. 54.
4 The defendant appeared by Zoom video teleconference from Santa Rita Jail and was in custody at the
5 time of the hearing. The defendant was represented by Hanni Fakhoury of the Federal Public
6 Defender's Office. Special Assistant United States Attorney Leah Paisner appeared for the government.
7 The government moved for detention, and the defendant opposed. The defendant moved for release to
8 either his girlfriend's house or grandparents' house, which both the government and the U.S. Probation
9 Office opposed. At the hearing, the parties submitted proffers and arguments regarding detention,
10 particularly with respect to the defendant's danger to the community and risk of non-appearance.

11 Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on
12 the record, the Court finds by clear and convincing evidence that no condition or combination of
13 conditions will reasonably ensure the safety of the community of defendant's appearance at future
14 proceedings. Accordingly, the defendant must be detained pending resolution of the violation petition.

15 The present order supplements the Court's findings and order at the detention hearing and serves
16 as written findings of fact and a statement of reasons as required by Title 18, United States Code,
17 Section 3143(a). As noted on the record, the Court makes the following finding as the basis for its
18 conclusion that no condition or combination of conditions will reasonably mitigate the defendant's risk
19 of non-appearance:

20 The Court considered as factors supporting its conclusion: (1) the nature and circumstances of
21 defendant's recent arrest on August 26, 2020, which involved reckless driving and possession of a stolen
22 firearm, (2) that this arrest occurred only two months after the defendant was released from custody
23 following a prior revocation, which involved criminal conduct while on federal supervision, (3) the
24 defendant's criminal history, including his federal conviction for being a felon in possession of a firearm
25 and state convictions for firearm and drug-related offenses, and (4) his history of committing new crimes
26 while on federal supervision and state probation. For these and all the reasons and discussion on the
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1 record, the Court granted the government's motion for detention, finding that the defendant failed to
2 meet his burden to demonstrate by clear and convincing evidence that he did not pose a danger to the
3 community or risk of non-appearance. Therefore, the Court therefore concluded that no condition or
4 combination of conditions will reasonably ensure his appearance at future proceedings.

5 Pursuant to 18 U.S.C. § 3143(a), IT IS ORDERED THAT:

6 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
7 confinement in a corrections facility;

8 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
9 and

10 3. On order of a court of the United States or on request of an attorney for the government,
11 the person in charge of the corrections facility in which the defendant is confined shall deliver the
12 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
13 court proceeding.

14 IT SO ORDERED.

15 DATED: September 16, 2020


HON. JOSEPH C. SPERO
CHIEF UNITED STATES MAGISTRATE JUDGE

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